

REMARKS

Claims 1-5, 7 and 8 are all the claims pending in the Application.

Response to Claim Rejections Under § 103

Claims 1-5 and 7-8 are rejected under 35 U.S.C. § 102(b) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over JP 2001-107031 to Oharu et al. Applicants respectfully traverse, and request the Examiner to reconsider in view of the amendment to claim 1 and the following remarks.

The present claims relate to an aqueous water- and oil-repellent dispersion comprising, *inter alia*, a surfactant comprising (a) a nonionic surfactant having an HLB of less than 12, (b) a nonionic surfactant having an HLB of not less than 12 and less than 17, and (c) a nonionic surfactant having an HLB of not less than 17, at a weight ratio of (a): (b): (c) of (20-40): (50-70): (10-20), wherein the nonionic surfactant (a) is selected from C₁₁₋₁₄H₂₃₋₂₉-iso-O(C₂H₄O)₃H, C₁₂H₂₅O(C₂H₄O)₄H and sorbitan monopalmitate.

Example 2 of Oharu represents a composition comprising 8.4 g of polyoxyethyleneoleyl ether (HLB: 16.2) and 2.4 g of nonionic surfactant (HLB: 7.95). However, Example 2 does not use both of the compound (c-3) (HLB: 4) and the compound (c-4) (HLB: 17), as compared with Example 1, which uses 4.8 g of the compound (c-3) (HLB: 4) and 2.4 g of the compound (c-4) (HLB: 17). Namely, the composition of Example 2 of Oharu does not contain (c) a nonionic surfactant having an HLB of not less than 17, and therefore, does not anticipate the present claims. Moreover, Example 2 of Oharu is similar to Comparative Example 4 of the present specification, which comprises two surfactants, wherein one surfactant has an HLB of less than 12 and another surfactant having an HLB of at least 12 and less than 17 (but no nonionic

surfactant having an HLB of not less than 17). Thus, Example 2 of Oharu is expected to exhibit a storage stability and dilution stability similar to that of Comparative Example 4.

Because the working Examples of Oharu include an example which cannot provide the advantageous affects of the present invention, Oharu lacks the guidance to one of ordinary skill needed to reach the features of the invention. Oharu does not anticipate the present claims for reasons given in the Amendment filed May 11, 2009. Further, the present claims are unobvious over Oharu for the additional reasons given herein. Accordingly, withdrawal of the rejection is respectfully requested.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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